



Shire of Cunderdin

Minutes of the Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Wednesday 23rd August 2023** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
23rd August 2023

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MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5pm.

The Shire of Cunderdin disclaimer was read aloud by Cr AE (Alison) Harris.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13.

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr N (Natalie) Snooke	
Cr B (Bernie) Daly	
Cr NW (Norm) Jenzen	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

Guests of Council

Nil.

Members of the Public

Holly Godfrey	
Kobus Nieuwoudt	5pm – 5.13pm
Reiner Nieuwoudt	5pm – 5.13pm

2.2 Apologies

Nil.

2.3 Leave of Absence Previously Granted

Nil.

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5. Applications for Leave of Absence

Nil.

6. Confirmation of the Minutes of Previous Meetings

6.1. Ordinary Meeting of Council held on 15th June 2023

Resolution 6.1 OCM August 2023

1. That the Minutes of the Ordinary Council Meeting held on Wednesday 26th July 2023 be confirmed as a true and correct record.
2. That the Minutes of the Local Emergency Management Meeting held on 19th July 2023 be received. (Attachment 6.1.1 - LEMC Minutes 19.04.2023)

Moved: Cr N (Natalie) Snooke

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Hayley Byrnes declared an impartiality interest in Item 9.7 – Application to keep three dogs.

8. Announcements by President without Discussion

Cr. A Harris, President, made the following statement in relation to recent events;

Congratulations to Stuart Hobley for his achievement in becoming the Cunderdin Golf Club Champion for 2023, to Cunderdin Women's Hockey Club for their achievements in fighting for their position in the East Avon Women's Hockey Association Grand Final to be played this weekend, 26th August 2023 in Meckering, to the Cunderdin Netball Team who defeated York's Netball team in the Semi Finals and secured their place last weekend in the AFA Netball Grand Final to be played in Northam on 3rd September 2023, and to the Cunderdin Football Club who have both the League and Reserves teams playing in the Avon Football Association Preliminary Finals on the Cunderdin Oval 27th August 2023.

Please note, Item 11.1 Proposed Amendment No.1 to Shire of Cunderdin Local Planning Scheme No.4 was brought forward and considered at this point in the meeting.

9. Finance & Administration

9.1. Financial Reports for July 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	14 August 2023
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – July 2023 Monthly Financial Report

Proposal/Summary

The financial reports as at 31st July 2023 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Administration Recommendation 9.1

1. That Council receives the monthly financial reports for the periods ending 31st July 2023.

Moved: Cr _____

Seconded: Cr _____

Vote – Simple majority

Carried/Lost: _____

Due to the rollover of the financial year and related issues with Synergy Soft the July financial statements were not available in time for the Agenda. They will be presented and the next Council meeting.

Resolution 9.1 OCM August 2023

Council resolved to lay item 9.1 on the table until next Ordinary Council Meeting to be held on the 27th September 2023.

Moved: Cr N (Natalie) Snooke

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.2. Accounts Paid – 31st July 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	14 August 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – July 2023 Creditors Listing Attachment 9.2.2 - Credit Card Statement July 2023

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$682,987.17
Total for Trust -	\$0.00
TOTAL -	\$682,987.17

For July 2023 as listed in the Warrant of Payments for the period 1st to 31st July 2023.

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2 OCM August 2023

1. That Council's payments of accounts amounting to \$682,987.17 being from Municipal Account for July 2023, as follows:

Municipal Account	\$	Total
Electronic Funds Transfer: EFT 7277 - 7376	\$643,787.97	
Direct Debit (Inc Bank Charges):	\$18,361.62	
Cheques: 11870 - 11874	\$20,837.58	
Trust Account		
	\$0.00	
TOTAL		\$682,987.17

Moved: Cr B (Bernie) Daly

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.3. Council Investments – As at 31st July 2023

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	14 August 2023
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3.1 - Bank Statements July 2023

Proposal/Summary

To inform Council of its investments as at 31st July 2023.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds June be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 31st July 2023.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$1,335,787.89	Municipal- 0000030	\$1,335,787.89		
Bendigo Bank	\$2,854,780.50	Municipal- 155971377	\$2,854,780.50		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$5,104.99	Bendigo Trust Account 164 488 686			\$5,104.99
Westpac Bank	\$0.00	Trust Working Account 12-2981			\$0.00
Bendigo Bank	\$1,386,843.67	Term Deposit 5.25% Exp 20 Dec 2023		\$1,386,843.67	
TOTAL INVESTMENTS	\$5,582,663.83		\$4,190,568.39	\$1,386,990.45	\$5,104.99

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as following & operating Ac#000073- \$0.00.

**CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT**

31 July 2023

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
4399089
Maturing 5 Dec 2023
(4.9%)

199,607.14

TOTAL **199,607.14**

Credits 11,642.14

Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

TOTAL **211,249.28**

INCOMING

*Interest earnt
on TD @
maturity* 11,642.14

0.00

OUTGOING

0.00

Balance as at end of month **TOTAL** **211,249.28**

**CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT**

31 July 2023

Opening Balance as per Bank Statement & Term Deposits

Term Deposit#
4399108
Maturing 5 Dec 2023
(4.9%)

369,862.05

TOTAL **369,862.05**

Credits 0.00

Debits 0.00

Closing Balance as Per Bank Statements & Term Deposits

TOTAL **369,862.05**

INCOMING

0.00

0.00

OUTGOING

0.00

Balance as at end of month **TOTAL** **369,862.05**

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long-Term Financial Plan when determining annual Council Budgets.

Resolution 9.3 OCM August 2023

That the report on Council investments as at 31st July 2023 be received and noted.

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 6/0

9.4. Proposed RAV Upgrade

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	10 th August 2023
Author:	Samantha Pimlott
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4.1 - Main Roads Application Attachment 9.4.2 - AMMS Tandem Drive Prime Mover Trailer Combinations RAV Categories Attachment 9.4.3 - Tandem Drive Prime Mover Trailer Combinations RAV Categories

Proposal/Summary

Council is requested to consider the proposed RAV upgrade of the Shire of Cunderdin's road network as detailed below.

Background

Heavy Vehicle Services (HVS) received an application to add the following sections of roads onto the Restricted Access Vehicle (RAV) Network RAV N7.3.

Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4060038	Broads Rd	Moore Rd (0.00)	Warding Rd (2.90)	Tandem Drive Network 4	Tandem Drive Network 7
4060039	Hardy Rd	Warding Rd (4.20)	Moore Rd (7.00)	Tandem Drive Network 4	Tandem Drive Network 7
4060040	Warding Rd	Hardy Rd (0.00)	Broads Rd (2.61)	Tandem Drive Network 4	Tandem Drive Network 7
4060039	Carter - Doodenanning Rd	Great Eastern Hwy (0.00)	Coleman Rd (4.41)	Tandem Drive Network 4	Tandem Drive Network 7
4060010	Coleman Rd	Carter - Doodenanning Rd (0.00)	Bulgin Rd & Fleay Rd (4.46)	Tandem Drive Network 4	Tandem Drive Network 7

Moore Road and Fleay Road, which adjoin the roads in the HSV application are currently listed as a RAV 7 roads.

The following conditions are currently applied to Moore Road:

- No operation on unsealed road segment when visibly wet, without road owner's approval.
- Maximum speed 60 km/h.

The following conditions apply to Fleay Road:

- All operators must carry written support from the road owner acknowledging the operator's use of the road.
- No operation on unsealed road segment when visibly wet, without road owner's approval.
- Maximum speed 80 km/h.

The applicant has advised Main Roads the requested RAV 7.3 Network access is for Agricultural Haulage.

If the road is deemed unsuitable to be added to the requested RAV7.3 network when assessed by Main Roads, it may be considered for a Restricted Local Access Permit (RLAP). This permit is for individual access to a road with a specific combination and with suitable conditions to mitigate any risk.

Comment

HVS will conduct an onsite assessments and consider the safety aspects of approving RAV access in accordance with the [Standard Restricted Access Vehicle Route Assessment Guidelines](#) and [Guidelines for Approving RAV Access](#).

To assist HVS in this process, estimated traffic volumes and any comments relating to road condition, that the Shire can foresee impacting the above roads can be reported to HVS as per Attachment 9.4.1 - Main Roads Application

If the Shire is in favour of supporting the request, HVS will assess the mentioned roads and a condition report will be sent to the Shire on its findings. If the roads are found to be suitable they will then be added to the network as per the requested RAV rating.

Any road that requires maintenance or works will not be added to the network until the condition of the road meets requirements of the HVS assessment. Either the applicant or the Shire will need to bring the road to the required standard prior to the road being upgraded to the requested RAV rating.

The approval of an upgrade in RAV rating may result in an increase of on-going maintenance to the requested road.

Craig Robertson, Manager of Works and Services has provided below comments on the condition of the roads that the application refers to;

- Coleman Road may cause some concern due to an existing pavement failure.
- Coleman Road is narrow with some bends which may impact oncoming traffic.
- The section of Carter Doodenaning Road from Coleman Road to Great Eastern Highway are parts of school bus routes.

Consultation

Main Roads Heavy Vehicle Service (HVS)
Mr Stuart Hobley, Chief Executive Officer
Mr Craig Robertson, Manager of Works and Services

Statutory Implications

Road Traffic (Vehicles) Act, 2012.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Environmental – roadside vegetation.
Infrastructure – appropriate for local business operations.

Resolution 9.4 OCM August 2023

That Council;

Accepts and approves the request to amend the RAV rating of;

1. Broads Rd
2. Hardy Rd
3. Warding Rd
4. Carter - Doodenanning Rd and
5. Coleman Rd

to a Restricted Access Vehicle (RAV) Network rating of 7.3.

This approval is subject to the Shire receiving a favourable road condition report being received from Main Roads Heavy Vehicle Services on the completion of their road assessments.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried:6/0

9.5. Minutes of Annual Electors Meeting

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	3 rd August 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.5.1 - Annual Electors Meeting Minutes

Proposal/Summary

For Council to receive and accept the minutes of the Annual Electors Meeting held at the Cunderdin Community Resource Centre (CRC) on 18th May 2023.

Background

Council held the Annual Electors Meeting for 2021/22 on 18th May 2023 at the Cunderdin CRC. At this meeting the Annual Report which includes the Annual Financial Statements for 2021/22, the Auditors Report and reports from the President and Chief Executive Officer were received by the community.

The *Local Government Act 1995* requires any resolutions requiring further Council decisions made at the Annual General Meeting of Electors to be referred through to Council for further consideration. There were no resolutions of this type made at the Annual Electors Meeting.

Comment

Once again there were very few people in attendance at the Electors Meeting and the same issues were discussed. These included queries over road maintenance, road funding, health issues and sport and recreation updates. All queries were answered on the night.

Consultation

Nil.

Statutory Implications

Local Government Act 1995

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.5 OCM August 2023

That Council;

1. Receive the minutes of the Annual General Electors Meeting for 2021/22 held on 18 May 2023.
2. Note there were no decisions of the meeting that require further consideration by Council.

Moved: Cr N (Natalie) Snooke

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.6. CSRFF Small Grants Application – Cunderdin Bowling Club

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	15 th August 2023
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider supporting the Community Sports and Recreation Facility Funding Small Grants (CSRFF) Application for the reconstruction of the Bowling Greens at the Cunderdin Bowling Club.

Background

During the 2022/23 and 2023/24 Budget deliberations the Cunderdin Bowling Club requested that Council give consideration to reconstruct Bowling Greens at the Cunderdin Bowling Club.

The bowling greens were constructed in as a part of the new Cunderdin Recreation Project in 2012/13. As part of this project Shire of Cunderdin did receive funding from CSRFF – Forward Planning 2011/12 of \$585,000 for construction of eight rink bowling green with lighting, three synthetic tennis courts with lighting and new clubroom facility.

The Bowling Club have advised that they have had issues with the greens from almost day one and the company that installed the greens went out of business soon after finishing the Cunderdin project.

The main issue is the unevenness and cracking in the base course. The Club was advised when the greens were installed that they did not require watering, however due to the extreme temperatures experienced in the Wheatbelt the lack of water has led to the base layer forming significant cracks.

The Shire has had one attempt to fix the greens, however this was only partly successful and very costly.

In April 2023 Council submitted a CSRFF grant application on behalf of the Cunderdin Bowling Club to reconstruct the greens, however Council has recently been advised this application was unsuccessful. After discussions with our local Regional Manager from the Department of Local Government, Sport and Cultural Industries (DLGSCI) it is considered that it would be worthwhile in submitting another application in the upcoming funding round.

Recent changes to the CSRFF (Small Grants Round) has resulted in the maximum project size being increased from \$300,000 to \$500,000 and the total maximum contribution from CSRFF being increased from 33% to 50%.

Comment

The Club has advised that both the “A” and “B” greens are deteriorating at a concerning rate, with A green being the worst as it receives the most use. The state of the greens is now meaning that Cunderdin is no longer being considered for League, Zone and State events and an interleague event planned for February 2024 may be relocated from Cunderdin due to the State of the greens.

Due to its location, excellent facilities and the availability of accommodation Cunderdin has been considered for many of these events in the past, but this will not be the case going forward. These events usually attract over 100 visitors to the Club and our town.

Both Greens are not used on a normal bowls day however they are still used for Men's pennants, Community Bowls and the Golden Pipeline Carnival.

In 2012/13 when the original surface was being installed synthetic greens were still in an experimental phase. Many clubs and communities have suffered a similar fate to that of Cunderdin.

Reticulation will be installed in conjunction with the new surface so that the issue experienced with the base layer are not repeated.

Consultation

Liezl De Beer, Community Development Officer

Cunderdin Bowling Club

Department of Sports and Recreation Regional Manager – Sam Cornthwaite

Several meetings have been held between the President of the Bowling Club and the Shire administration.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Based on the projections from 2022/23 Council budgeted \$125,000 in 2023/24 for the reconstruction of both greens.

It is estimated that the cost of the project will be approximately \$300,000. The funding from CSRFF is a maximum of one half of the total project cost, with the Shire and the community groups to contribute the remaining amount. This is a maximum of \$250,000 from CSRFF.

Resurfacing projects are not always looked upon favourably by CSRFF and the project has already received funding and the facility managers should have sinking funds established for the replacement of the surfaces. Council may wish to apply for less than the maximum amount allowed in order to give it an advantage over other applications.

The budget to replace the greens is as follows:

Expenditure

New base layer and synthetic greens	\$250,000
Reticulation	\$30,000
In-kind labour/plant (Shire / Bowling Club)	\$20,000
Total	\$300,000

<u>Income</u>	<u>25% CSRFF</u>	<u>33% CSRFF</u>	<u>50% CSRFF</u>
Shire	\$102,500	\$90,000	65,000
Bowling Club	\$102,500	\$90,000	65,000
In-kind labour/plant (Shire / Bowling Club)	\$20,000	\$20,000	20,000
CSRFF	\$75,000	\$100,000	150,000
Total	\$300,000	\$300,000	\$300,000

The Shire and the Bowling Club will be able to contribute or in kind labour on this project due to its nature.

The Bowling Club has advised that they would be able to fund their contribution to the project.

In consultation with the DLGSCI the administration recommends that Council submit an application for 50% of the funding.

Strategic Implications

Cunderdin Community Strategic Plan

1.2 A healthy and safe community is planned for

Sport and recreation facilities are upgraded in a planned, cohesive and timely manner

Resolution 9.6 OCM August 2023

That Council:

1. Endorses the Grant Application for the Reconstruction of the Bowling Greens at the Cunderdin Bowling Club.
2. Submits the grant application to the Department of Sport and Recreation Community Sports and Recreation Facility Funding Small Grants Program for consideration for 50% of the project cost.
3. Appoints Cr TE (Todd) Harris , Cr NW (Norm) Jenzen and the Chief Executive Officer to a working Committee to liaise with the Bowling Club on this project.

Moved: Cr B (Bernie) Daly

Seconded: Cr N (Natalie) Snooke

Vote – Simple Majority

Carried: 6/0

Hayley Byrnes preferred to leave the room due to a Declaration of Impartiality in Item 9.7.
Hayley left the room at 5.40pm.

9.7. Application to Keep Three Dogs – Hayley Byrnes

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	15 th August 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.7.1 - Application to Keep Three Dogs

Proposal/Summary

An application has been received requesting permission to keep three (3) dogs on the property on 59 Beford Street, Cunderdin.

Background

It is a requirement of the Shire of Cunderdin Dogs Local Law 2015 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Application was received from Hayley Byrnes via email to the shire administration email. This correspondence as seen in Attachment 9.7.1 - Application to Keep Three Dogs describes the circumstances surrounding the need for the application. Two of the dogs that the application refers to are a medium sized breed and one is a small breed.

Mrs Byrnes dogs, Hercules and Tuff are currently hold lifetime registrations within the Shire of Cunderdin.

Comment

The Ranger, Brad Miller of WA Contract Ranger Services has inspected the property and has not identified any areas of concern surrounding the owners and or the properties ability to adequately house three dogs.

Mrs Byrnes has previously been granted permission to keep three dogs at this same property in 2015. This permission was successful with no incidents concerns or complaints.

The property has;

- Adequate fencing.
- Adequate space to house three dogs.

The owner and dogs currently residing at this property have not had any previous complaints recorded against them.

Should Council be in favour of granting an exemption it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Immediate neighbours consulted by ranger, one approval and one objection.

Brad Miller – WA Contract Ranger Services.

Statutory Implications

Dog Act 1976 (as amended).

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.7 OCM August 2023

That Council approves the application from Hayley Byrnes to keep three (3) dogs at 59 Bedford Street, Cunderdin, subject to the following conditions:

- 1) That the exemption be reviewed by the ranger in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption;
- 2) That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period;
- 3) The exemption applies only to the dogs nominated by the applicant;
- 4) Each dog must be registered with the Shire of Cunderdin; and
- 5) Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

Hayley Byrnes re entered the room at 5.43pm.

9.8. Application to Keep Three Dogs – Ondra McMeekin

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	15 th August 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.8.1 - Application to Keep Three Dogs - Ondra McMeekin

Proposal/Summary

An application has been received requesting permission to keep three (3) dogs on the property at 12860 Great Eastern Highway, Cunderdin.

Background

It is a requirement of the Shire of Cunderdin Dogs Local Law 2015 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Application was received from Ondra McMeekin via personal delivery to the shire administration office. This correspondence as seen in Attachment 9.8.1 - Application to Keep Three Dogs and describes the circumstances surrounding the need for the application. The two dogs currently residing at the property are greyhounds and are often described as a medium to large dog breed.

Comment

Ms McMeekin has been a resident in Cunderdin since 30th June 2023. The two dogs that Ms. McMeekin currently owns are registered with the Shire of Cunderdin.

The property has;

- Exceptional fencing.
- Very large open space to house three dogs.

The owner and dogs currently residing at this property have not had any previous complaints recorded against them.

The Ranger, Brad Miller of WA Contract Ranger Services has inspected the property and has identified no issues of concern. Has reported that Ms McMeekin has created a wonderful environment for her dogs.

Should Council be in favour of granting an exemption to house three dogs, it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Brad Miller – WA Contract Ranger Services.
No immediate neighbours.

Statutory Implications

Dog Act 1976 (as amended).

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.8 OCM August 2023

That Council approves the application from Ondra McMeekin to keep three (3) dogs at 12860 Great Eastern Highway, Cunderdin, subject to the following conditions:

- 1) That the exemption be reviewed by the ranger in twelve months' time to ensure that no adverse problems have been experienced as a result of the exemption;
- 2) That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period;
- 3) The exemption applies only to the dogs nominated by the applicant;
- 4) Each dog must be registered with the Shire of Cunderdin; and
- 5) Upon the death or permanent removal of any of the nominated dogs a maximum of two dogs only will be permitted to be kept on this property.

Moved: Cr TE (Todd) Harris

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

Bernie Daly left the room at 5.44pm and did not return.

9.9. Memorandum of Understanding Cunderdin Community Resource Centre Inc. for the Provision of Library Services

Location:	Shire of Cunderdin
Applicant:	Governance & Administration
Date:	15 th August 2023
Author:	Samantha Pimlott
Item Approved by:	Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.9.1 – Library MOU

Proposal/Summary

For Council to receive and adopt the Memorandum of Understanding (MOU) between the Shire of Cunderdin (Shire) and Cunderdin Community Resource Centre (CRC) for the provision of Library Services.

Background

Council signed a MOU with the CRC on the 11th September 2013 for the provision of Library Services. This MOU was to expire twenty four months after the effective date.

The previous MOU expired in 2015. Despite the expiration of the MOU the Shire has continued to contribute annual amounts ranging from \$15,000 to \$17,600, between the years of 2016 and 2023, enabling the CRC to continue to deliver library services.

Comment

The attached MOU, once signed, will be reviewed prior to the expiry date, twenty four months from the date of signing. At this time the Shire and the CRC will be renegotiate the obligations and commitments of each party.

Several changes have been made to the MOU and these include:

Increasing the fee to \$20,000 (currently the Shire is paying \$16,000)

Removing the requirement to pay 50% of the costs of Stock damages, library stationary, freight and postage.

Removing the requirement to purchase \$500 worth of new books each year.

These changes will result in the Shire being charged a similar amount as it was under the old MOU without the requirement for multiple invoices being sent during the year.

As a side note the Library Management System (AMLIB) currently being used by the CRC to manage the library's stock is no longer being supported as of the 31 December 2023, and the library will be required to purchase a new management system. The Shire is working with the CRC to manage this project however there will be an additional cost to Council in the future for a new library management system.

Consultation

Stuart Hobley – Chief Executive Officer

Hayley Byrnes – Deputy Chief Executive Officer

Courtney Thomson – Cunderdin Community Resource Centre

Statutory Implications

Local Government Act 1996 section 3.69

Policy Implications

Nil.

Financial Implications

The Shire has budgeted \$22,000 in 2023/24 for the management of the library.

Strategic Implications

1. Community and Social

1.1 Community members have the opportunity to be active, engaged and connected

5. Civic Leadership

5.1 Shire communication is consistent, engaging and responsive.

5.3 Implement systems and processes that meet legislative and audit obligations.

Resolution 9.9 OCM August 2023

That Council:

- 1) Accepts and approves the Memorandum of Understanding between the Shire of Cunderdin and the Cunderdin Community Resource Centre for the provision of Library Management Services for a period of twenty four months.

Moved: Cr A (Tony) Smith

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 5/0

9.10. Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	20 th July 2023
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.10.1 – Aboriginal Cultural Heritage Act Repeal Notice Attachment 9.10.2 – Field Solutions – Telecommunications Tower Attachment 9.10.3 - PRIVATE & CONFIDENTIAL - CICS-5-OF-2023-NOTICE-OF-APPLICATION-FOR-S72A-ORDER-FOR-RIGHT-TO-REPRESENT-EMPLOYEE-INTERESTS (ID 654874) Attachment 9.10.4 - PRIVATE & CONFIDENTIAL - FBM 1 of 2023 - Letter to s50 parties and WALGA - WALGA (ID 654346)

Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

Background

Local Roads and Community Infrastructure Program Phase 3 Projects

The following have been completed under Stage 3 of the LRCIP

O'Connor Park

Cunderdin Golf Club – Shed

Tennis Club – Installation of the Soft Fall.

Cunderdin Sport and Recreation Club - Blinds

The projects below are still to be completed

Meckering Earthquake Memorial Garden

The project has commenced and expected to be completed within six to eight weeks.

Cunderdin Industrial Lot Development

Development WA have completed the final plans for the industrial development and prepared a Contract of Sale.

Co-operative Bulk Handling (CBH) have offered to sell Council a parcel of 5,880m² to the Shire at a cost of \$35,000. The land has been valued by an independent valuer and this is the lowest end of the lands value.

Council has now received the additional conditions on the sale of the land and they limit the use of propellants on the land owned by CBH.

2023 Elections

Local government elections are scheduled for Saturday 21 October 2023.

Council held an information evening for prospective new Councillors on the 14 August 2023 however there were no new prospective Councillors in attendance.

The significant reforms of the Local Government Act 1995 include important changes to how people will vote.

This year, voting will be under the Optional Preferential Voting system, and this will need to be relayed to the community.

To help the local government sector communicate election related changes to the community, the Department of Local Government, Sport and Cultural Industries (DLGSC) has put together a range of communication tools including:

- posters
- motion graphics
- readymade social media posts.

These and other communications will be circulated throughout the Shire in the upcoming weeks.

Dates to remember with respect to the elections;

25 August 2023	Electoral Roll closes.
31 August 2023	Nominations Open.
7 September 2023	Nominations Close at 4pm.
20 September 2023	Proposed Date of Election Notice
20 September 2023	Proposed Commencement Date of Early and Absentee Voting
21 October 2023	Election Day

Local Government Reform

The DLGSC have advised that the reform projects are in development for 2023-25.

- Owners and occupiers enrolment changes (for 2025 elections)
- Electronic broadcasting and recording of council meetings
- Training and development allowances for council members
- Streamlining of driveway crossover and incidental outdoor trading (alfresco) approvals
- Council planning (integrated planning and reporting)
- Community engagement charters
- Community surveys
- Online registers
- Standardised meeting procedures
- Communications agreements
- CEO performance indicators

Some of the above reform process will impact on Council and the administration is developing strategies to manage the changes.

Aboriginal Cultural Heritage Act Repeal

The State Government has announced it will repeal the new Aboriginal Cultural Heritage laws and restore the original Aboriginal Heritage Act of 1972, with amendments to help prevent another Juukan Gorge incident.

The decision to revert to the original laws, which had been in place for 50 years, draws on legal advice from the Solicitor-General, with the addition of vital amendments to deliver a common sense approach.

The Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 will provide confidence to all property owners so that they can continue to operate on their property, just like they have done, without any fear of committing an offence by unknowingly disrupting cultural heritage.

The exemptions which were introduced as part of the 2021 laws will no longer be required under the restored 1972 legislation, as every landowner is equal, and the changes announced impose no new burden on landowners before undertaking activities on their land.

The critical amendments to the restored legislation from 1972 include:

- The newly formed Aboriginal Cultural Heritage Council will take on the role of the Committee established under the 1972 Act to make recommendations to the Minister;
- Proponents and Native Title parties will have the same right of review for Section 18 decisions, with clear timelines and an ability for the Premier to call-in a decision of 'State significance', to act in the interests of all Western Australians; and
- When a Section 18 has been approved, making it a requirement for the owner to notify the Minister of any new information about an Aboriginal site.

There will be no requirement on everyday landowners to conduct their own heritage survey.

The State Government will commence a long-term plan over the next ten years to undertake heritage surveys of unsurveyed areas in high priority areas of the State, with the consent of landowners. Surveys will be centrally held and published by Government, and available to view by all land users.

The cost recovery model introduced for proponents who need to submit a management plan to the Aboriginal Cultural Heritage Council, will also be replaced with a fairer and simpler model, to be established with industry in coming weeks.

The work of the implementation group – consisting of representatives from industries such as mining, property, farming and agriculture, as well as local government, Aboriginal corporations and the Aboriginal Cultural Heritage Council – will continue to ensure a smooth transition back to the renewed 1972 legislation.

Placement of Telecommunications Tower Meckering - Field Solutions

Field Solutions have requested permission to construct a 45m free standing tower in the Reserve on the south west corner of the intersection of Leeming Street and Vanzetti Street as per attachment 1. The Reserve is currently owned by the Shire of Cunderdin.

The tower will form part of the Avon East Digital Farm Grants Program which will provide internet and telecommunications services to area.

Filed Solutions have had discussions with neighbouring land owners with respect to locating the tower on their property however these negotiations have not been successful.

If Council is supportive of this proposal the administration will proceed with drafting a lease agreement that will be put to Council.

Meckering Hockey Oval Lights

The Meckering Hockey Club has advised that they are not going to submit an application the Department of Sport and Recreations Nigh Lights Program to improve the lighting the Meckering hockey oval due to the inadequate number of quotes supplied in an acceptable timeframe to complete the grant application.

State Industrial Relations System Changes

There are a number of matters before the Western Australian Industrial Relations Commission (WAIRC), the results of which will have wide-ranging impact on the whole Local Government sector with respect to union coverage and what can be included in industrial agreements.

These challenging matters have required significant legal advice, both for WALGA and the specific local governments involved in the matters. This comes in addition to the legal advice WALGA funded regarding the transition to the State IR system and transitional legislation, to try and save individual Local Governments obtaining legal advice where possible.

To assist with these matters going forward WALGA would like to establish, an industrial relations transition fund (IR Transition Fund). The IR Transition Fund will be spent on legal fees for industrial relations matters, either through an individual Local Government engaging lawyers or WALGA engaging lawyers, where the industrial matter impacts on the whole sector.

To establish the IR Transition Fund, we are seeking a contribution of \$2,000 to \$5,000 plus GST from each Local Government.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.10 OCM August 2023

That the Chief Executives Officers Report be received.

Moved: Cr TE (Todd) Harris

Seconded: Cr NW (Norm) Jenzen

Vote – Simple majority

Carried: 5/0

9.11. Move Behind Closed Doors

Resolution 9.11 OCM August 2023

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr N (Natalie) Snooke

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: /0

9.12. Purchase of Land

9.13. Move From Behind Closed Doors

Resolution 9.13 OCM August 2023

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 5/0

10. Environmental Health and Building

Nil Items.

11. Planning & Development

Resolution 11 OCM August 2023

That Council move to bring forward Item 11.1 Proposed Amendment No.1 to Shire of Cunderdin Local Planning Scheme No.4 for discussion.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 5/0

11.1. Proposed Amendment No.1 to Shire of Cunderdin Local Planning Scheme No.4

Location:	Lot 14 (No.35) & Lot 15 (No.31) Bedford Street, Cunderdin
Applicant:	Akron Pty Ltd on behalf of Woodthorpe School – Eastern Campus Pty Ltd (Landowner)
Date:	16 August 2023
Author:	Mr Joe Douglas – Town Planner
Item Approved by:	Mr Stuart Hobley - CEO
File Reference:	
Attachment/s	Attachment 11.1.1 - Scheme Amendment Documentation & Plans

Proposal / Summary

This report recommends that Council resolve to initiate proposed Amendment No.1 to the Shire of Cunderdin Local Planning Scheme No.4 to allow for the development of a shop and various associated improvements on Lot 14 (No.35) & Lot 15 (No.31) Bedford Street, Cunderdin.

Background

Akron Pty Ltd, on behalf of the landowner Woodthorpe School – Eastern Campus Pty Ltd, have submitted an application to amend Local Planning Scheme No.4 to allow for the development of a shop and various associated improvements on Lot 14 (No.35) & Lot 15 (No.31) Bedford Street, Cunderdin.

Full details of the scheme amendment proposal, including documentation and plans, are provided in Attachment 11.1.1 - Scheme Amendment Documentation & Plans.

Lots 14 and 15 are located centrally in the western part of the Cunderdin townsite in a designated and established low density residential area. The subject land, which comprises a total combined area of approximately 4,046m², has been extensively cleared of all native vegetation and is relatively flat throughout.

Lot 14 has previously been developed for the purposes of a school which is no longer in use (i.e. the existing buildings and associated improvements on the land are not being used for any specific purpose/s). It is understood from the information provided by the applicant that the existing buildings on Lot 14 will be repurposed to accommodate the proposed shop use which will service the daily needs of local residents.

Lot 15 contains a small sports oval and portion of a sealed car park in its south-eastern corner, both of which were associated with the previous school use on Lot 14 located immediately east.

Both lots have direct frontage and access to Bedford Street along their southern front boundaries which is a sealed and drained local access road under the care, control and management of the Shire. The property is also served by key essential service infrastructure including underground power, reticulated water, reticulated sewerage and telecommunications.

Both lots have not been designated as being bushfire prone or flood prone, do not contain any buildings or places of cultural heritage significance, and are not located within or in close proximity to a public drinking water source area.



Location & Lot Configuration Plan (Source: Landgate)

Under the terms of the subject land’s current ‘Residential’ zoning classification in Local Planning Scheme No.4 the use class ‘Shop’, which is defined as ‘premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services’, is listed as a use that is not permitted (i.e. it is an ‘X’ use that Council is unable to lawfully approve).

In order to accommodate the proposed ‘shop’ use a standard amendment to Local Planning Scheme No.4 is required and must ultimately be approved by the Hon. Minister for Planning following completion of a number of key steps in the statutory planning process which generally takes approximately 12 to 15 months to complete before a development application for any proposed works and/or use can be formally considered and determined by Council.

In this case Local Planning Scheme No.4 is proposed to be amended to provide Lots 14 and 15 with an additional use right for the express purpose ‘shop’. This use, if ultimately approved, will be additional to the classes of use that are permissible under the land’s current ‘Residential’ zoning classification.

Comment

A preliminary assessment of the scheme amendment proposal by the reporting officer indicates it is generally consistent with the aims and objectives of the State, Regional and Local Planning Frameworks as they apply specifically to:

- economic development and growth, including business diversification and employment opportunities;
- the provision of community services and facilities;
- utilisation of existing infrastructure to maximise efficiencies of operation and economies of scale;
- preservation and protection of local amenity and character, the natural environment and cultural heritage values;

- mitigation of future potential risks including bushfire and flooding; and
- accommodating a range of non-residential uses on land classified 'Residential' zone which are compatible with and complementary to residential development.

Council should note any potential issues associated with the proposal will be considered and assessed in detail through the scheme amendment process which, if initiated by Council, will involve the following key steps:

- i) referral to the Environmental Protection Authority for review and environmental clearance;
- ii) community consultation for a period of 42 days including referral to all relevant government agencies and essential service providers inviting their feedback and comment;
- iii) review and assessment of all submissions received and a further report to Council regarding the outcomes from public advertising and agency referrals, any key issues of concern raised and a recommendation regarding final adoption of the scheme amendment proposal;
- iv) referral to the Western Australian Planning Commission for review, assessment and determination with respect to a final recommendation to the Minister for Planning; and
- v) Final determination by the Hon. Minister for Planning.

As can be seen from the above, the process is comprehensive and affords significant opportunity for input by the local community, State government agencies and essential service providers.

Council should also note any issues associated with the future proposed development and use of the land for shop purposes, including but not limited to light and heavy vehicle access and parking, the location and timing for the loading/unloading of goods, and the scale and finish any future proposed built form improvements including advertising signage, will be considered and addressed during the development application stage of statutory planning process.

On balance, having regard for:

- a) the scheme amendment proposal's general consistency with the aims and objectives of the State, Regional and Local Planning Frameworks;
- b) the potential to develop and use the land for the intended purpose in accordance with all regulatory requirements and standards with minimal potential impact given its relatively small scale and low intensity; and
- c) the project's local economic and community benefits,

it is concluded the proposal is well founded, has considerable merit and is worthy of Council's initial support. As such, it is recommended Council exercise its discretion and resolve to initiate the proposed amendment to Local Planning Scheme No.4 and follow due process thereafter.

Consultation

To be undertaken in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes.

Statutory Environment

- *Planning and Development Act 2005 (as amended)*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Cunderdin Local Planning Scheme No.4*

Policy Implications

Nil.

Financial Implications

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the scheme amendment proposal which will be offset in full by the application fee paid by the landowner pursuant to the *Planning and Development Regulations 2009*. All costs associated with the proposed development will be met by the landowners.

Strategic Implications

The scheme amendment proposal for Lots 14 and 15 is generally consistent and does not conflict with the following strategic planning documents:

- i) State Planning Strategy 2050 as it applies specifically to economic development and growth, physical infrastructure, social infrastructure and the natural environment;
- ii) Shire of Cunderdin, Quairading & Tammin Joint Local Planning Strategy 2022 as it applies specifically to local growth and settlement, employment and tourism, infrastructure and transport, and environmental and heritage protection; and
- iii) Shire of Cunderdin Strategic Community Plan 2022-2032 and Corporate Business Plan 2021/22-2024/25 as they apply specifically to social and community, economic, built environment, natural environment and civic leadership objectives and outcomes.

Resolution 11.1 OCM August 2023

That Council resolve as follows:

1. That the local government, pursuant to section 75 of the *Planning and Development Act 2005*, amend the Shire of Cunderdin Local Planning Scheme No.4 by:
 1. Amending Clause 19 in Part 3 of the Scheme Text to include an additional use for Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin as follows:
 - (1) Table 5 sets out –
 - (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply in respect of the additional use(s).

Table 5 – Specified additional uses for zoned land in Scheme area

No.	Description of land	Additional use	Conditions
A1	Lot 14 (No.35) and Lot 15 (No.31) Bedford Street, Cunderdin	Shop	<ol style="list-style-type: none">1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development.2. The local government may require development applications to be advertised in accordance with Clause 64 of the deemed provisions.3. All development and use shall be in accordance with any plans, conditions and management requirements approved by the local government.4. No alterations or extensions to the land use shall be undertaken without the approval of the local government.

(2) Despite anything contained in the zoning table, land that is specified in Table 5 may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

2. Renumbering the following Tables in the Scheme Text as follows:

- Table 5 in Part 3 to Table 6;
- Table 6 in Part 4 to Table 7;
- Table 7 in Part 5 to Table 8; and
- Table 8 in Schedule 3 to Table 9.

3. Amending the Scheme map accordingly.

2. The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

1. The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment; and
2. The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

3. Authorise public advertising of the proposed amendment in accordance with the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to standard amendments to local planning schemes following receipt of written notification of the Environmental Protection Authority's determination pursuant to section 48A of the *Environmental Protection Act 1986* confirming the proposal is environmentally acceptable.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

12. Works & Services

Nil Items.

13. Urgent Items

Nil Items.

14. Scheduling of Meeting

14.1. September 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Wednesday 27th September 2023 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

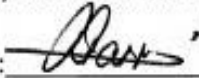
15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 6.27pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 23rd August 2023, as shown, were confirmed at the ordinary meeting of Council held on 27th September 2023.

Signed: 

Date: 27.9.2023